

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

GERALD REED,

Plaintiff,

v.

PHYLLIS TOLLEY, A. JOHNSON, and P.
KIRK,

Defendants.

Case Number 12 cv 8582

Judge James B. Zagel

Magistrate Judge Sidney I. Schenkier

**JOINT MOTION TO CONTINUE SETTLEMENT CONFERENCE BY ALL
DEFENDANTS**

NOW COME the Defendants, PHYLLIS TOLLEY, PSY.D, by and through one of her attorneys, James F. Maruna, of CASSIDAY SCHADE LLP, and A. JOHNSON and P. KIRK, by and through their attorney, Matthew T. Fletcher, and for their Motion to Continue the Settlement Conference, state as follows:

1. This is a case of deliberate indifference brought by incarcerated Plaintiff, GERALD REED. Mr. Reed is *pro se*.
2. On October 13, 2016, the parties participated in a status hearing before the Magistrate Judge wherein the parties expressed a willingness to participate in a settlement conference. (Dkt. # 164). Plaintiff participated via video teleconference.
3. The Magistrate Judge set a settlement conference date of November 28, 2016. (Dkt. # 164).
4. The Court further ordered that by October 31, 2016, Plaintiff shall serve on defense counsel a settlement letter and a copy of any prior settlement letters. (Dkt. # 164). By November 14, 2016, defense counsel is to respond to Plaintiff's settlement letter. (Dkt. # 164).

A complete copy of the letters is to be delivered to the Magistrate Judge's chambers by noon on November 15th (Dkt. # 164).

5. As of the filing date of this Motion, **Plaintiff has not submitted a settlement letter to either set of the Defendants.**

6. On October 14th, counsel for the State Defendants provided Plaintiff with a copy of the District Court's summary judgment opinion and contact information for counsel for the State and for Tolley so that Plaintiff could send them settlement letters, as ordered by the Magistrate Judge.

7. On November 9, 2016, all defense counsel conferenced on this matter and discussed that, even if Plaintiff's settlement letter arrived the following day, they would still require 2-weeks to review the letter and produce a response. This would place the Defendants' settlement letters due on Thanksgiving. As noted, the settlement conference is set for November 28, 2016, the Monday immediately following the Thanksgiving holiday. On November 10, the parties conferred again and agreed that they would need to file this Motion. As of Friday, November 11, Plaintiff's settlement demand has still not arrived.

8. Accordingly, the Defendants believe that a good faith basis exists for asking this Court to re-set the Settlement Conference to a later date.

9. Therefore, the Defendants, jointly, move this Court for an Order continuing the settlement conference and staying the existing settlement response date for the Defendants because the Plaintiff has not yet served the Defendants with any settlement letter.

WHEREFORE, Defendants, PHYLLIS TOLLEY, PSY.D, A. JOHNSON and P. KIRK, respectfully request that this Honorable Court grant their Joint Motion to Continue the

Settlement Conference, and issue an Order consistent with the relief described above, and for any other relief that this Court deems just.

Respectfully submitted,

CASSIDAY SCHADE LLP

By: /s/ James F. Maruna
One of the Attorneys for Defendant, PHYLLIS
TOLLEY, PSYD

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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2016 I electronically filed the foregoing document with the clerk of the court for the Northern District of Illinois, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of E-Filing” to the attorneys of record in this case.

/s/ James F. Maruna

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